IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 20TH FEBRUARY 2007 / 1ST PHALGUNA 1928

Crl.MC.No. 430 of 2007()

LP.68/2002 of JUDL.MAGISTRATE OF FIRST CLASS COURT-I, MANJERI
S.T.NO.316/1998 OF THE J.F.C.M COURT NO.1, MANJERI

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PETITIONER/ACCUSED:

PATHUMMA, D/O.MANGADAKAZHIYIL KUNJALI,
AGED 38 YEARS, BHEEMANAD AMSOM,
VADASSERIPURAM DESAM, MANARKAD TALUK.

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENTS/COMPLAINANT:

STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 20/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.430 of 2007

Dated this the 20th day of February 2007

O R D E R

The petitioner faces indictment in a prosecution under Section 138 of the Negotiable Instruments Act. The case was registered as early as in 1998. The petitioner did not appear before the learned Magistrate. The case against her has now been transferred to the list of long pending cases and is pending as L.P.No.68/2002. The petitioner submits that she had no information about the filing of the case. According to the petitioner, a woman, she has a strained relationship with her husband and is now residing with her brother. It is, in these circumstances that she could not earlier appear before the learned Magistrate. She finds herself in the unenviable predicament of a warrant of arrest issued by the learned Magistrate chasing her. She is prepared to surrender before the learned Magistrate but she apprehends that her application for bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. It is, in these circumstances, that she has approached this court with this petition under Section 482 Cr.P.C for a direction to the learned Magistrate to release her on bail when she appears and applies

for bail.

2. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate, the circumstances under which she could not earlier appear before the learned Magistrate.

3. I find absolutely no reason to assume that the learned Magistrate would not consider the application for bail to be filed by the petitioner on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific directions appear to be necessary. Sufficient general directions have been issued in Alice George vs. Deputy Superintendent of Police [2003(1)KLT 339].

4. In the result, this Crl.M.C is dismissed but with the specific observation that if the petitioner surrenders before the learned Magistrate and applies for bail, after giving sufficient prior notice to the learned Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously - on the date of surrender itself unless there are compelling reasons.

Hand over copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006